

The New York Times  
Company



David McCraw  
Vice President and  
Deputy General Counsel

November 22, 2017

620 Eighth Avenue  
New York, NY 10018  
tel 212.556-4031  
fax 212.556-4634  
mccraw@nytimes.com

**BY ECF**

The Honorable Katherine B. Forrest  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: The New York Times Company et al. v. U.S. Dep't of Education, et al.  
17-cv-7439 (KBF)

Dear Judge Forrest:

I represent Plaintiffs The New York Times Company and Charlie Savage (jointly, "The Times") in the above-referenced action. I write on behalf of both The Times and Defendants U.S. Department of Education and U.S. Department of Justice pursuant to the Court's Order dated October 30, 2017 (Dkt. No. 10).

The parties agree with the Court that this action, brought pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, can be resolved on the papers. The parties respectfully request that the Court endorse the following briefing schedule: The Government will file its motion for summary judgment by January 29, 2018; The Times will file its opposition to the Government's motion for summary judgment and cross-motion for summary judgment by February 26, 2018; the Government will file its opposition to The Times's cross-motion for summary judgment and reply by March 12, 2018; and The Times will file its reply by March 26, 2018. This schedule will allow the agencies to issue any outstanding responses to the FOIA requests at issue, which they expect to do by December 4, 2017, and will allow the parties time to confer soon after and potentially narrow the issues for litigation prior to briefing.

We thank the Court for its attention to this matter.

Respectfully submitted,

So ordered.

The initial conference  
previously scheduled for  
12/8/17 is adjourned. The  
motion schedule above shall  
govern.  
11/27/17  
KCB, JZ  
usoj

/s/ David E. McCraw

cc: Sharanya Mohan, AUSA, Counsel for Defendants (via ECF and email)